

1914

# Ontario Act (3-4 Geo. V. Cap. 2) authorizing the Revised Statutes, 1914

Ontario

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# STATUTE OF ONTARIO

Giving Effect to the Revised Statutes, 1914

3-4 GEORGE V.

## CHAPTER 2.

An Act respecting the Revision and Consolidation  
of the Statutes of Ontario.

*[Assented to 6th May, 1913.]*

**W**HEREAS by a Commission issued by the Lieutenant-Governor in Council, dated the 23rd day of June, 1906, the Honourable Featherston Osler, one of the Justices of the Court of Appeal; the Honourable Sir William Ralph Meredith, Chief Justice of the Common Pleas; the Honourable James Thompson Garrow, one of the Justices of the Court of Appeal; the Honourable William Purvis Rochfort Street, one of the Judges of the King's Bench; the Honourable James Vernal Tetzl, one of the Judges of the Common Pleas; the Honourable Francis Alexander Anglin, one of the Judges of the Exchequer Division; the members of the Executive Council of the Province of Ontario and Alexander Grant Mackay and Allan Malcolm Dymond, Esquires, of His Majesty's Counsel, Learned in the Law, were appointed Commissioners for the purpose of consolidating the Public Statutes of this Province and the said Featherston Osler was appointed chairman and the said Allan Malcolm Dymond, Secretary of the Commission; and whereas the Honourable James Pitt Mabee, one of the Judges of the Chancery Division of the High Court, and His Honour Colin G. Snider, Judge of the County Court of the County of Wentworth, were by a further Commission, issued by the Lieutenant-Governor in Council bearing date the 26th day of September, 1906, also appointed Commissioners for the purpose aforesaid, and associated as such with the Commissioners named in the first mentioned Commission; and whereas by a further Commission issued by the Lieutenant-Governor in Council, dated the 7th day of December, 1906, reciting the said Com-

Preamble

missions and the report of the Honourable the Attorney General that for the reasons therein mentioned it was advisable to enlarge the powers conferred upon the Commissioners, the Commissioners appointed as aforesaid were directed to prepare a draft revision of the Public Statutes of the Province and to report to His Honour the Lieutenant-Governor in Council such changes from time to time in any Act as the Commissioners deemed advisable having regard to the improvement of the wording and arrangement of the Statutes and the elimination therefrom of such matter as the Commissioners might deem obsolete, unsuitable or useless, and to submit such changes as the Commissioners might deem advisable in the public interest; and whereas the said the Honourable William Purvis Rochfort Street and the Honourable James Pitt Mabee subsequently departed this life; and whereas the said Commissioners have not completed the revision and consolidation of the said Statutes, but will complete the same at an early date; and whereas it is in the public interest that the said revision and consolidation should as soon as practicable and prior to the holding of another Session of this Legislature be authorized and issued as the Revised Statutes of Ontario; and whereas the Commissioners have from time to time reported various Acts and Statutes as revised and consolidated by them and the same as so revised and consolidated have been adopted and passed by this Legislature preparatory to the final report of the said Commissioners and the completion of the said consolidation.

THEREFORE, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Printed roll  
to be  
deposited  
with Clerk  
of Legis-  
lative  
Assembly.

1. So soon as the Commissioners shall report in writing signed by a majority of them, and by the Chairman, the completion of the said revision and consolidation, including therein the public and general Acts passed since the 23rd June, 1906, including those passed during the present Session, the Lieutenant-Governor may cause a printed roll thereof attested under his signature and countersigned by the Provincial Secretary to be deposited in the office of the Clerk of the Assembly.

Schedule  
of Acts  
repealed.

2. There shall be appended to the roll a schedule similar in form to Schedule A appended to *The Revised Statutes of 1897*, showing the Acts and parts of Acts which are embodied in the said roll and showing in the third column thereof the extent to which the Acts and parts of Acts in the Schedule are from the time of the coming in force of the Revised Statutes contained in the said roll to be repealed; and the Commissioners may include in the said Schedule all Acts and parts of Acts which, though not expressly repealed, were superseded by the Acts so consolidated, or are inconsistent therewith, and all parts of such Acts which were for a temporary purpose the force of which is spent.



3. The Commissioners in consolidating the said Statutes may make such alterations in their language as are requisite in order to preserve a uniform mode of expression, and may make such minor amendments as are necessary to bring out more clearly what they deem to be the intention of the Legislature, or to reconcile seemingly inconsistent enactments, or to correct clerical or typographical errors; the Commissioners may also direct that any of the enacting clauses in the statutes may be printed in bourgeois type, and that any of the sections which in the Revised Statutes of 1897 are in bourgeois type may be printed among the enacting clauses.

Powers of  
commis-  
sioners as to  
alterations

4. The Lieutenant-Governor in Council after the deposit of the roll may by proclamation declare the day from and after which the same shall come into force and have effect as law by the designation of "The Revised Statutes of Ontario, 1914."

Proclama-  
tion declar-  
ing Statutes  
in force.

5. On and from such day the same shall accordingly come into force and effect by the said designation to all intents as though the same were expressly embodied in and enacted by this Act to come into force and have effect on and from such day; and on and from the same day all the enactments in the several Acts and parts of Acts in the said Schedule mentioned shall so far as they relate to this Province stand and be repealed to the extent mentioned in the third column of the Schedule save only as hereinafter is provided.

Effect of  
proclama-  
tion.

6. Such repeal shall not be construed as intended to extend to such of the provisions of the Acts and parts of Acts as relate to subjects in regard to which the Parliament of Canada has exclusive powers of legislation; but the Acts and parts of Acts (in so far only as is necessary to give effect to every such provision) shall remain in full force and effect, subject, however, to section 8 of this Act.

Repeal not  
to extend to  
Acts over  
which the  
Dominion  
Parliament  
has juris-  
diction.

7. The repeal of the Acts and parts of Acts shall not revive any Act or provision of law repealed by them; nor shall the repeal prevent the effect of any saving clause in the Acts and parts of Acts or the application of any of the Acts or parts of Acts or of any Act or provision of law formerly in force, to any transaction, matter or thing anterior to the said repeal, to which they would otherwise apply.

Saving as to  
transac-  
tions, etc.,  
anterior to  
the repeal.

8.—(1) The repeal of the Acts and parts of Acts shall not affect

Certain  
matters  
anterior to  
the repeal  
not to be  
affected  
by it.  
Penalties,  
etc.

(a) Any penalty, forfeiture or liability incurred before the time of such repeal, or any proceedings for enforcing the same, had, done, completed or pending at the time of such repeal.

(b) Nor any action, suit, judgment, decree, certificate, execution, process, order, rule or any proceeding,

Actions, etc.

matter or thing whatever respecting the same, had, done, made, entered, granted, completed, pending, existing or in force at the time of such repeal.

Acts, deeds,  
rights, etc.

(c) Nor any act, deed, right, title, interest, grant, assurance, descent, will, registry, by-law, rule, regulation, contract, lien, charge, matter or thing, had, done, made, acquired, established or existing at the time of such repeal.

Offices, etc.

(d) Nor any office, appointment, commission, salary, allowance, security, duty, or any matter or thing appertaining thereto, at the time of such repeal.

Marriages,  
etc.

(e) Nor any marriage, certificate or registry thereof, lawfully had, made, granted or existing before or at the time of such repeal.

And other  
matters, etc.

(f) Nor shall such repeal defeat, disturb, invalidate or prejudicially affect any other matter or thing whatsoever, had, done, completed, existing or pending at the time of such repeal.

But the same  
shall remain  
valid, etc.

(2) But every such

(a) Penalty, forfeiture and liability,

(b) Action, suit, judgment, decree, certificate, execution, prosecution, order, rule, proceeding, matter, or thing,

(c) Act, deed, right, title, interest, grant, assurance, descent, will, registry, by-law, rule, regulation, contract, lien, charge, matter or thing,

(d) Office, appointment, commission, salary, allowance; security, and duty,

(e) Marriage, certificate and registry thereof, and

(f) Every such other matter and thing, and the force and effect thereof,

and may be  
enforced,  
etc., and  
under what  
laws.

may and shall remain and continue as if no such repeal had taken place, and, so far as necessary, may and shall be continued, prosecuted, enforced and proceeded with under the Revised Statutes and other the statutes and laws having force in this Province, so far as applicable thereto, and subject to the provisions of the several statutes and laws.

Revised  
Statutes not  
to be  
deemed  
new laws.

9.—(1) The Revised Statutes shall not be held to operate as new laws, but shall be construed and have effect as a consolidation of the law as contained in the Acts and parts of Acts so repealed, and for which the said Revised Statutes are substituted, and the Legislature is not to be deemed to have adopted the construction which may by judicial decision, or

otherwise, have been placed upon the language of any of the statutes included amongst the Revised Statutes.

(2) The various provisions in the Revised Statutes corresponding to and substituted for the provisions of the Acts and parts of Acts so repealed, shall, where they are the same in effect as those of the Acts and parts of Acts so repealed, be held to operate retrospectively as well as prospectively, and to have been passed upon the days respectively upon which the Acts and parts of Acts so repealed came into effect.

How construed where the same in effect as the repealed Acts.

(3) If upon any point the provisions of the Revised Statutes are not in effect the same as those of the repealed Acts and parts of Acts for which they are substituted, then as respects all transactions matters and things subsequent to the time when the Revised Statutes take effect, the provisions contained in them shall prevail, but as respects all transactions, matters and things anterior to the said time, the provisions of the said repealed Acts and parts of Acts shall prevail.

How construed if in any case they differ from the repealed Acts.

(4) The marginal notes and headings in the body of the Revised Statutes and references to former enactments, and sections printed in bourgeois type which may appear thereon, shall be held to form no part of the said Statutes but to be inserted for convenience of reference only.

Marginal note and headings.

10. Any reference in any former Act remaining in force, or in any instrument or document, to any Act or enactment so repealed, shall, after the Revised Statutes take effect, be held, as regards any subsequent transaction, matter or thing, to be a reference to the enactments in the Revised Statutes having the same effect as such repealed Act or enactment.

As to references to repealed Acts in former Acts, etc.

11. The insertion of any Act in the said Schedule A shall not be construed as a declaration that such Act or any part of it was or was not in force immediately before the coming into force of the said Revised Statutes.

As to effect of insertion of an Act in Schedule A.

12. Copies of the said Revised Statutes, printed by the King's Printer from the roll so deposited, shall be received as evidence of the said Revised Statutes in all Courts and places whatsoever.

Copies printed by King's Printer to be evidence.

13. The laws relating to the distribution of the printed copies of the Statutes shall not apply to the said Revised Statutes, but the same shall be distributed in such numbers and to such persons only as the Lieutenant-Governor in Council may direct.

As to distribution of copies.

14. This Act shall be printed with the Revised Statutes, and shall be subject to the same rules of construction as the said Revised Statutes.

This Act to be printed with Revised Statutes.



How they  
may be  
cited.

**15.** Any chapter of the Revised Statutes may be cited and referred to in any Act or proceeding whatever, either by its title as an Act, or by its short title, or by using the expression "*The Revised Statute respecting—*" (adding the remainder of the title given at the beginning of the particular chapter), or by using the expression "*The Revised Statutes of Ontario, 1914, chapter* " (adding the number of the particular chapter in the copies printed by the King's Printer).

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